

REMARKS

Claims 1-10 are pending. No new matter has been added by way of the present amendments. For instance, new claim 10 is supported by compound I-1327 at page 125 of the present specification. Accordingly, no new matter has been added.

In the outstanding Office Action, the Examiner has required Applicants to elect one of the following two groups pursuant to 35 U.S.C. § 121:

Group I: Claim 9, drawn to a selective suppressor of IgE production, namely a terphenyl compound; and

Group II: Claims 1-8, drawn to a compound which is a selective suppressor of IgE production not provided for in Group I.

Applicants respectfully traverse. Applicants submit that there is no undue burden placed upon the Examiner to search and consider the present claims in their entirety. Thus, the present restriction requirement is improper. However, in order to be fully responsive, Applicants hereby elect Group I, directed to Claim 9.

The Examiner has also requested that Applicants elect a single disclosed species. Accordingly, Applicants hereby elect the compound of I-1327 as a single disclosed species. In this regard, the Examiner is referred to page 125 of the present specification. Applicants have

added new claim 10, which is specifically directed to the elected species.

It is Applicants' understanding that the Examiner will utilize the elected species as a starting point for examination and search. Upon indication of allowability for the elected species, the Examiner will expand the search to include other species with the intent of finding the generic claim ultimately allowable.

Favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. 42,874) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

By 
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MSW/CAM/mmi
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